

**UNOFFICIAL VERSION**

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**MONDAY, MARCH 26, 2012**

**SIXTY-FOURTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Minister Jonathan Seamon of Brentwood Hills Church of Christ in Nashville, Tennessee, a guest of Senator Johnson.

**PLEDGE OF ALLEGIANCE**

Senator Johnson led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

**COMMUNICATION**

March 26, 2012

Lt. Governor Ron Ramsey  
1 Legislative Plaza  
Nashville, Tennessee 37243

Dear Speaker Ramsey,

This letter is to notify your office that there is a parents meeting at my daughter's school this afternoon regarding college and I plan on attending. I plan to drive to Nashville as soon as the meeting is over and hope to make it to some or part of this evening's Session. However, if I am unable to make it to Nashville before adjournment, please let this letter serve as a formal notification of my absence.

Sincerely,

/s/ Jim Kyle

APPROVED: Lieutenant Governor  
Ron Ramsey



**PRESENTATION**

Senator Ketron introduced Ms. Tanna Norma, the 2012 Mule Day Queen and her court to the Senate.

**MOTION**

Senator McNally moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 2195, 2278, 2401, 2485, 2509, 2684, 2678, 2732, 2733 and 2778**; and **Senate Joint Resolution No. 629** on the calendar for the Committee on Finance, Ways and Means for Tuesday, March 27, 2012, which motion prevailed.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 3792 and 3807** be passed on first consideration, which motion prevailed.

**INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 3792** by Senator Johnson.

Williamson County -- As introduced, subject to local approval, creates a special juvenile court in Williamson County pursuant to the "Juvenile Court Restructure Act of 1982".

**Senate Bill No. 3807** by Senators Ford and Norris.

Millington -- As introduced, subject to local approval, rewrites the charter; creates the position of "city manager" to be appointed by and serve at the pleasure of the board of mayor and aldermen. Amends Chapter 238 of the Acts of 1903.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 1171, 2437, 2812, 2844, 2861, 2986, 3039 and 3263** be passed on first consideration, which motion prevailed.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 1171** -- Alcoholic Beverages -- As introduced, revises residency requirements to obtain a retailer's license from being a resident for one instead of two years preceding the issuance of the license or for at least five instead of 10 consecutive years; removes these requirements if the next of kin takes over the license following the death of a retail license holder. Amends TCA Title 57.



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**House Bill No. 2437** -- Motor Vehicles -- As introduced, exempts motor vehicle dismantlers from obtaining copy of title before purchasing motor vehicle for scrap if the vehicle was manufactured more than 25 years ago. Amends TCA Title 55, Chapter 17, Part 1 and Title 55, Chapter 3, Part 2.

**House Bill No. 2812** -- Bail, Bail Bonds -- As introduced, requires persons who have previously failed to appear in court as scheduled to post money or real estate as security for a bail bond. Amends TCA Section 40-11-104.

**House Bill No. 2844** -- Election Laws -- As introduced, authorizes the Election Commission to designate a polling place outside the precinct it is to serve, but within the limits of the municipality, for a municipal election not held in conjunction with any other election. Amends TCA Title 2, Chapter 3, Part 1.

**House Bill No. 2861** -- Lottery, Scholarships and Programs -- As introduced, requires THEC to make recommendations for change to the lottery scholarship eligibility for GED recipients in light of impending changes to the GED test by the American Council on Education. Amends TCA Title 49.

**House Bill No. 2986** -- Law Enforcement -- As introduced, clarifies that a report on a missing child must be entered in the NCIC database but does not have to be entered in the MCOT database. Amends TCA Title 37; Title 38 and Title 39.

**House Bill No. 3039** -- Alcoholic Beverages -- As introduced, allows restaurant to have minimum of 40 seats instead of 75 seats for purpose of selling alcoholic beverages; clarifies that limited service restaurant may sell more than 50 percent food and still qualify for license. Amends TCA Title 57, Chapter 4.

**House Bill No. 3263** -- Agriculture -- As introduced, revises various provisions of the "Agriculture Commodities Promotion Act", including provisions requiring certain reports by purchasers and provisions governing the membership of the beef promotion board. Amends TCA Title 43, Chapter 29, Part 1.

### MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 3802 through 3806** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

### SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

**Senate Bill No. 3802** Local bill -- held on desk.

**Senate Bill No. 3803** Local bill -- held on desk.

**Senate Bill No. 3804** Local bill -- held on desk.

**Senate Bill No. 3805** Local bill -- held on desk.



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**Senate Bill No. 3806** Local bill -- held on desk.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 712 through 721** be passed on first consideration and lie over, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 712** by Senators Overbey and McNally.  
Memorials, Retirement -- Col. David L. Evans.

**Senate Joint Resolution No. 713** by Senator Overbey.  
Memorials, Recognition -- Hannah Rials, 2012 Youth Leadership Award.

**Senate Joint Resolution No. 714** by Senator Overbey.  
Memorials, Recognition -- Virginia Hardwick, 2012 Community Leadership Award.

**Senate Joint Resolution No. 715** by Senator Finney.  
Memorials, Recognition -- Steve Bowers, Jackson Man of the Year.

**Senate Joint Resolution No. 716** by Senator Yager.  
Memorials, Recognition -- Joseph and Odette Novak, Pickett Care and Rehab Hall of Fame.

**Senate Joint Resolution No. 717** by Senator Yager.  
Memorials, Recognition -- James D. Cope.

**Senate Joint Resolution No. 718** by Senator Yager.  
Memorials, Death -- Fred White, Jr.

**Senate Joint Resolution No. 719** by Senator Yager.  
Memorials, Recognition -- Roane State Community College.

**Senate Joint Resolution No. 720** by Senator Yager.  
Memorials, Recognition -- The Singing Cookes, 50th anniversary.

**Senate Joint Resolution No. 721** by Senators Finney, Kyle, Berke, Barnes, Marrero, Harper, Tate, Henry, Stewart, Burks, Ford and Haynes.  
Memorials, Public Service -- Senator Roy Herron.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 798 through 802, 809 and 817; Senate Joint Resolutions Nos. 702 through 708 and 710; and Senate Resolution No. 91** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.



**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 798** -- Memorials, Sports -- Lenoir City Middle School girls basketball team, State Section Champion.

The Speaker announced that he had referred House Joint Resolution No. 798 to the Committee on Calendar.

**House Joint Resolution No. 799** -- Memorials, Academic Achievement -- Sydney Trentham, Salutatorian, Lebanon High School.

The Speaker announced that he had referred House Joint Resolution No. 799 to the Committee on Calendar.

**House Joint Resolution No. 800** -- Memorials, Academic Achievement -- Carson Hicks, Valedictorian, Lebanon High School.

The Speaker announced that he had referred House Joint Resolution No. 800 to the Committee on Calendar.

**House Joint Resolution No. 801** -- Memorials, Academic Achievement -- Nathaniel Midgett, Valedictorian, Lebanon High School.

The Speaker announced that he had referred House Joint Resolution No. 801 to the Committee on Calendar.

**House Joint Resolution No. 802** -- Memorials, Recognition -- Darrell's Dream Boundless Playground Complex.

The Speaker announced that he had referred House Joint Resolution No. 802 to the Committee on Calendar.

**House Joint Resolution No. 809** -- Memorials, Recognition -- East Tennessee Livestock Center, Inc., 50th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 809 to the Committee on Calendar.

**House Joint Resolution No. 817** -- Naming and Designating -- "InfantSEE Week", April 1-7, 2012.

The Speaker announced that he had referred House Joint Resolution No. 817 to the Committee on Health and Welfare.

**Senate Joint Resolution No. 702** -- Memorials, Retirement -- Dr. Robert Bell.

The Speaker announced that he had referred Senate Joint Resolution No. 702 to the Committee on Calendar.



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**Senate Joint Resolution No. 703** -- General Assembly, Statement of Intent or Position -- Expresses support for humane care and adequate boarding for abandoned and unwanted horses.

The Speaker announced that he had referred Senate Joint Resolution No. 703 to the Committee on Judiciary.

**Senate Joint Resolution No. 704** -- Memorials, Recognition -- Joe Thompson, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 704 to the Committee on Calendar.

**Senate Joint Resolution No. 705** -- Memorials, Recognition -- Ty Smith, Boys and Girls Club of the Smoky Mountains 2012 Youth of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 705 to the Committee on Calendar.

**Senate Joint Resolution No. 706** -- Memorials, Recognition -- General Federation of Women's Clubs Chilhowee Club, 120th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 706 to the Committee on Calendar.

**Senate Joint Resolution No. 707** -- Memorials, Recognition -- Johnson City Country Club, National Register of Historic Sites.

The Speaker announced that he had referred Senate Joint Resolution No. 707 to the Committee on Calendar.

**Senate Joint Resolution No. 708** -- Memorials, Recognition -- John Howard Dunn.

The Speaker announced that he had referred Senate Joint Resolution No. 708 to the Committee on Calendar.

**Senate Joint Resolution No. 710** -- Constitutional Amendments -- As introduced, proposes an amendment to Article VI, Section 3 in order to constitutionally enshrine a system for selection of each appellate court judge by means of merit-based gubernatorial appointment with legislative confirmation and, thereafter, contingent upon a satisfactory job performance evaluation, retention election by the voters of the state.

The Speaker announced that he had referred Senate Joint Resolution No. 710 to the Committee on Judiciary.

**Senate Resolution No. 91** -- Memorials, Recognition -- Taylor Jackson and Stephen Marcus, Tennessee State Championship Duo Interpretation Winners.

The Speaker announced that he had referred Senate Resolution No. 91 to the Committee on Calendar.



**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 697** -- Memorials, Sports -- Maryville High School football team, Class 6A Champion.

**Senate Joint Resolution No. 698** -- Memorials, Sports -- Patton Robinette, Gatorade Tennessee Football Player of the Year.

**Senate Joint Resolution No. 699** -- Memorials, Death -- James McDonald "Mack" Smith.

**House Joint Resolution No. 767** -- Memorials, Personal Occasion -- Dr. Edward J. Boling, 90th birthday.

**House Joint Resolution No. 768** -- Memorials, Recognition -- Tanna Norma, 2012 Mule Day Queen.

**House Joint Resolution No. 769** -- Memorials, Recognition -- Breath of Life Christian Center, 30th anniversary.

**House Joint Resolution No. 771** -- Memorials, Sports -- Clay County High School Lady Bulldogs basketball team, Class A State Champions.

**House Joint Resolution No. 772** -- Memorials, Recognition -- 40th anniversary of the Tennessee Legislative Internship Program.

**House Joint Resolution No. 774** -- Memorials, Personal Occasion -- Doris "Cousin Tuny" Freeman, 87th birthday.

**House Joint Resolution No. 775** -- Memorials, Recognition -- 2012 World's Biggest Fish Fry, Hostess Princess Court.

**House Joint Resolution No. 776** -- Memorials, Sports -- Blackman High School cheerleading squad, National Champion.

**House Joint Resolution No. 777** -- Memorials, Public Service -- Judge Bill Baker.

**House Joint Resolution No. 778** -- Memorials, Academic Achievement -- Tyler Steve Coleman, Salutatorian, Gordonsville High School.

**House Joint Resolution No. 779** -- Memorials, Academic Achievement -- Adam James, Valedictorian, DeKalb County High School.

**House Joint Resolution No. 780** -- Memorials, Academic Achievement -- Heather Joy Vidal, Salutatorian, DeKalb County High School.

**House Joint Resolution No. 781** -- Memorials, Academic Achievement -- Sarah Dillard, Salutatorian, Gordonsville High School.

**House Joint Resolution No. 782** -- Memorials, Academic Achievement -- Tiffany Woodard, Valedictorian, Gordonsville High School.



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**House Joint Resolution No. 784** -- Memorials, Retirement -- Roscoe "Charlie" Bayless.

**House Joint Resolution No. 786** -- Memorials, Sports -- Loudon High School Lady Redskins basketball team.

**House Joint Resolution No. 787** -- Memorials, Recognition -- Sweetwater Valley Farm, International Dairy Foods Association's Innovative Dairy Farm of the Year.

**House Joint Resolution No. 788** -- Memorials, Academic Achievement -- Alexandria Hannah Hopkins, Salutatorian, Hancock County High School.

**House Joint Resolution No. 789** -- Memorials, Academic Achievement -- John Austin Greene, Valedictorian, Hancock County High School.

**House Joint Resolution No. 792** -- Memorials, Academic Achievement -- Lindsey Reed, Valedictorian, Cannon County High School.

**House Joint Resolution No. 793** -- Memorials, Academic Achievement -- Kelsey Morgan Bayse, Salutatorian, Watertown High School.

**House Joint Resolution No. 794** -- Memorials, Academic Achievement -- Francis R. Jenkins, Salutatorian, Cannon County High School.

**House Joint Resolution No. 795** -- Memorials, Recognition -- James E. "Jimmy" Lanier.

**House Joint Resolution No. 796** -- Memorials, Recognition -- Legislative Internship Program, 40th anniversary.

**House Joint Resolution No. 806** -- Memorials, Sports -- Pope John Paul II High School girls basketball team.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**MOTION**

Senator Faulk moved that **Senate Bill No. 2429** be rereferred to the Committee on Calendar, which motion prevailed.



**CONSENT CALENDAR NO. 2**

**Senate Bill No. 2619** -- Criminal Procedure -- As introduced, eliminates the 72-hour time period restriction on determinations concerning good cause where the surrender is based on a conditional or final judgment of forfeiture issued by the court. Amends TCA Section 40-11-137.

On motion, Senate Bill No. 2619 was made to conform with **House Bill No. 2441**.

On motion, House Bill No. 2441, on same subject, was substituted for Senate Bill No. 2619.

**Senate Bill No. 2641** -- Public Buildings -- As introduced, authorizes replicas of certain historically-significant documents, such as the Magna Carta, Declaration of Independence and Ten Commandments, to be placed in local government public buildings. Amends TCA Title 5, Chapter 7 and Title 6, Chapter 54.

On motion, Senate Bill No. 2641 was made to conform with **House Bill No. 2658**.

On motion, House Bill No. 2658, on same subject, was substituted for Senate Bill No. 2641.

**Senate Bill No. 2822** -- Courts, General Sessions -- As introduced, clarifies that referees have the power of a trial court and the same authority as the judge directing the case to the referee in Shelby County environmental court. Amends Chapter 772 of the Public Acts of 1982, as amended.

**Senate Bill No. 2844** -- Child Custody and Support -- As introduced, clarifies definitions that apply to parents in the Armed Forces seeking modification of orders concerning parenting. Amends TCA Title 36.

**Senate Bill No. 2961** -- Registers of Deeds -- As introduced, allows the name and address of the person that prepared an instrument that conveys or encumbers the title to real estate or personal property to appear anywhere within the instrument; revises other registration provisions. Amends TCA Section 66-24-115.

**Senate Bill No. 3061** -- Emergency Communications Districts -- As introduced, defines "Public Safety Answering Point" or "PSAP" to mean a facility that receives 911 calls and routes them to emergency services personnel. Amends TCA Section 7-86-103.

**Senate Bill No. 3217** -- Public Funds and Financing -- As introduced, changes requirements for federal home loan banks in regard to the issuance of letters of credit as eligible collateral for public funds to require that the banks be rated "investment grade" by at least one nationally recognized securities rating service instead of being rated in the highest category by at least two nationally recognized securities rating services. Amends TCA Section 9-4-103(9)(A).

**Senate Joint Resolution No. 644** -- Highway Signs -- "Scotty Plunk Memorial Highway", segment of U.S. 64 in Hardeman County.

**Senate Joint Resolution No. 690** -- Highway Signs -- "James W. Harmon Bridge", Midtown interchange on I-40 in Roane County.

**House Joint Resolution No. 563** -- General Assembly, Confirmation of Appointment -- George P. Jaynes, Tennessee Ethics Commission.



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Senator Faulk moved that all Senate Joint Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Bill No. 668** -- Special License Plates -- As introduced, requires comptroller to report any audit of a nonprofit organization receiving funds from sale of new specialty earmarked license plate to Senate and House Transportation Committees within 30 days of audit. Amends TCA Title 8; Title 54 and Title 55.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-103, is amended by deleting subdivisions (b)(2) and (3) in their entirety and by substituting instead the following new language:

(2) Registration plates shall be designed in such a manner as determined by the commissioner as will permit the display of validation or re-validation tabs, stickers, or other devices as provided in § 55-4-104(d), and registration plates shall also be designed in such a manner as determined by the commissioner as will permit thereon, the display of county and/or municipal wheel tax tabs, stickers, or other devices evidencing payment of wheel or road taxes enacted by the respective county and/or municipality of Tennessee, if such local government, pursuant to § 5-8-102(d)(3), requires the issuance, display and placement of such tabs, stickers, or other devices for wheel or road taxes on the registration plate.

(3) Wheel tax records shall be maintained by the county clerk for the same period of time as registration records prior to disposition.

SECTION 2. Tennessee Code Annotated, Section 55-4-104(d)(1), is amended by adding the following language at the end of the subdivision:

The tab, sticker, or other device for the revalidated registration plate so affixed to the registration plate shall be evidence that all state fees accruing therefor and applicable local wheel or road taxes have been paid, unless the local legislative body requires a separate tab, sticker, or other device evidencing payment of the local wheel or road tax be affixed, pursuant to § 5-8-102(d)(3).



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SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 668**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 1252** -- Lottery, Charitable -- As introduced, requires annual event tickets to include either the mailing address or telephone number of the 501(c)(3) organization in addition to the name of the 501(c)(3) organization. Amends TCA Title 3.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-17-103(d)(1), is amended by deleting subdivision (A) in its entirety and by substituting instead the following:

(A) An authorized annual event shall be held within twenty-eight (28) calendar days of the event date listed in the annual event application; provided, that for the annual event period beginning July 1, 2011, and ending June 30, 2012, an authorized annual event shall be held within forty-five (45) calendar days of the event date listed in the annual event application; provided further, that nothing in this subdivision (d)(1) shall be construed as allowing two (2) annual events in any one-year period or as allowing a 501(c)(3) organization to operate an annual event at authorized multiple locations on separate days.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1252**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	29
Noes . . . . .	0
Present, not voting . . .	3



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Senators voting aye were: Barnes, Beavers, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senators present and not voting were: Bell, Campfield and Henry--3.

A motion to reconsider was tabled.

**Senate Bill No. 1429** -- Education -- As introduced, broadens the purpose of certain statutory restrictions concerning who may enter school grounds during school hours. Amends TCA Title 49.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-202(a)(5), is amended by deleting the last sentence of the subdivision.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1429**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 2267** -- Driver Licenses -- As introduced, requires all driver licenses issued or renewed on or after July 1, 2012, to bear a photo of the applicant by removing present exemption for persons 60 years of age or older. Amends TCA Title 55, Chapter 50, as amended.

Thereupon, **Senate Bill No. 2267**, as amended, passed its third and final consideration by the following vote:

Ayes .....	20
Noes .....	12



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Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Marrero, Stewart and Tate--12.

A motion to reconsider was tabled.

**Senate Bill No. 2625** -- Employees, Employers -- As introduced, clarifies the employee's 30-minute rest break or meal period to include a right to waive the meal period or break. Amends TCA Title 50.

Senator Harper declared Rule 13 on **Senate Bill No. 2625**.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-2-103(h), is amended by deleting the subsection in its entirety and by substituting instead the following:

(h)(1) Except as provided in subdivision (h)(2), each employee shall have a thirty-minute unpaid meal break if scheduled to work six (6) hours consecutively, except in workplace environments that by their nature of business provide ample opportunity to take an appropriate meal break. The meal break shall not be scheduled during or before the first hour of scheduled work activity. For purposes of this subsection (h), "meal break" means a rest break or meal period.

(2)(A) At the discretion of an employer, an employee who is principally employed in the service of food or beverages to customers and who, in the course of such employment, receives tips and reports the tips to the employer may waive the employee's right to a thirty-minute unpaid meal break.

(B) To waive the meal break, an employee shall submit a waiver request to the employer in writing on a form established by the employer as provided in subdivision (C)(i). For the waiver to be effective:

(i) The employee must submit the request knowingly and voluntarily; and

(ii) The employer and employee must both consent to the waiver.

(C) An employer who intends to enter into waiver agreements with employees subject to this subdivision (h)(2) shall establish a reasonable policy that permits employees to waive the meal break



subject to the demands of the employees' work environment. This policy shall be in writing and posted in at least one (1) conspicuous place in the workplace. The policy shall include, but not be limited to, the following:

(i) A waiver form that contains a statement that the employee acknowledges the employee's right, under state law, to receive an unpaid meal break of not less than thirty (30) minutes during a six-hour work period and that the employee is knowingly and voluntarily waiving this right;

(ii) The length of time the waiver will be in effect; and

(iii) Procedures for rescission of the waiver agreement by the employee or employer.

(D) An employer or employee may rescind a waiver agreement after providing notice to the other party. Such notice must be provided at least seven (7) calendar days prior to the date that the waiver will no longer be in effect.

(E) No employer shall coerce an employee into waiving a meal break.

SECTION 2. This act shall take effect thirty (30) days after becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2625**, as amended, passed its third and final consideration by the following vote:

Ayes .....	25
Noes .....	6

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Gresham, Haynes, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Finney, Ford, Harper, Henry, Herron and Marrero--6.

A motion to reconsider was tabled.

**Senate Bill No. 2679** -- Criminal Offenses -- As introduced, grants immunity for those who report certain injuries in good faith and specifies that the reporting requirement for those injuries is within two business days. Amends TCA Title 38 and Title 39.

On motion, Senate Bill No. 2679 was made to conform with **House Bill No. 2834**.

On motion, House Bill No. 2834, on same subject, was substituted for Senate Bill No. 2679.



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On motion of Senator Beavers, Amendment No. 1 was withdrawn.

On motion of Senator Beavers, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2834** passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 2727** -- Economic and Community Development -- As introduced, requires the state agency responsible for processing applications for grant funds relating to workforce development to accept electronic signatures in the same manner as it accepts physical signatures. Amends TCA Title 4, Chapter 3, Part 14; Title 47, Chapter 10 and Title 50.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-1405, is amended by adding the following language as a new subsection thereto:

(j) To the extent permitted by any federal law, rule, regulation, guideline, or advisory opinion, the department shall accept and process any IRS Form 8850, or any successor to such form, that is submitted with electronic signatures in the same manner as the department accepts such forms when submitted with physical signatures if such form is submitted to the department by mail, facsimile, or e-mail copy. For purposes of this subsection (j), "electronic signatures" includes a physical printout of an electronically signed IRS Form 8850 indicating that the signature field is "signed electronically".

SECTION 2. This act shall take effect January 1, 2013, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2727**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0



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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 2852** -- Conservation -- As introduced, extends from 60 to 90 days notice requirement for dissolution of county conservation boards by action of the Commissioner of Environment and Conservation. Amends TCA Title 11.

Senator Southerland moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all of the language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 11-11-203(a)(1), is amended by deleting the language "zip lining and" and substituting instead the language "rowing, zip lining and".

SECTION 2. Tennessee Code Annotated, Section 11-11-203(a), is further amended by adding the following as a new, appropriately designated subdivision:

( ) "Rowing" means the propelling of a boat by means of oars.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2852**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	26
Noes . . . . .	4
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Haynes, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Berke, Finney, Herron and Marrero--1.

Senator present and not voting was: Harper--1.

A motion to reconsider was tabled.

**Senate Bill No. 2879** -- Tennessee Wildlife Resources Agency -- As introduced, makes it a Class A misdemeanor to transport wild-appearing swine into or within the state without appropriate documentation from the Department of Agriculture. Amends TCA Title 70, Chapter 4, Part 1.



Senator Southerland moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting subsection (a) from 70-4-133 of Section 1 in its entirety and by substituting instead the following:

(a) It is the intent of this section to address the illegal translocation and release of wild-appearing swine. These animals have been shown to be destructive to native habitats, agricultural lands and private property and are carriers for a myriad of diseases that affect humans, livestock and wildlife.

AND FURTHER AMEND by deleting subsection (d) from 70-4-133 of Section 1 in its entirety and by substituting instead the following:

(d) It is an offense for any person to transport or release into the wild, or cause to be transported into or within the state, live wild-appearing swine that do not have documentation approved by the Department of Agriculture.

AND FURTHER AMEND by deleting subsection (e) from 70-4-133 of Section 1 in its entirety and by substituting instead the following:

(e) A violation of subsection (d) is a Class A misdemeanor. Each undocumented wild-appearing swine illegally transported or released in violation of subsection (d) is a separate offense.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2879**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 2970** -- Libraries -- As introduced, requires CTAS to conduct a study of county librarians' salaries in this state as compared to those in states bordering this state; to recommend an appropriate minimum pay scale, if deemed necessary; and to submit the study to the state and local government committees on or before January 1, 2013. Amends TCA Title 5; Title 6; Title 7; Title 8 and Title 10.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting subsection (a) of section 10-3-112 of the amendatory language of Section 1 and substituting instead the following:



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(a) The county technical assistance service (CTAS) for counties, in order to provide guidance and direction, shall conduct a study of the salaries of county librarians in this state and compile the results of the study in such a manner as would best enable the general assembly to determine if a minimum pay scale is necessary or desirable to promote uniformity statewide, encourage students to become librarians and provide an incentive for current librarians to remain in the profession.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2970**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2982** -- Basic Education Program (BEP) -- As introduced, allows LEAs the option of using BEP funds for a building manager in lieu of an assistant principal. Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 3.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by adding the following language as a new section:

49-3-364. Notwithstanding any other law to the contrary, nothing shall be construed to prevent an LEA from expending BEP funds earned for non-classroom components for the purpose of employing a building manager for a school.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2982**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0



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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 3044** -- Education -- As introduced, authorizes local boards of education to receive federal or private grants and to expend grant funds for purposes of the grant without seeking approval of or appropriation by the local legislative body; unless the grant requires matching funds. Amends TCA Title 49, Chapter 2.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the second and third sentences from the amendatory language of Section 1 of the bill and by substituting instead:

Notwithstanding any provision of Title 5, Chapter 9, Part 4, except for grants requiring matching funds, in-kind contributions of real property or expenditures beyond the life of the grant, appropriations of federal or private grant funds shall be made upon resolution passed by the local board of education and shall comply with the requirements established by the granting entity. A county board of education or city board of education shall provide a copy of such resolution to the local legislative body as notice of the board's actions within seven (7) days of the resolution's passage.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3044**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 3358** -- Alcoholic Beverage Commission -- As introduced, clarifies existing law in relation to the manner in which license fees are assessed by the commission for limited service restaurants, the timing of promulgating rules, the assessment of fines in certain circumstances, the regulation of tastings by retail licensees and the regulation of certain controlled substances. Amends TCA Title 57.

Senator Yager moved to amend as follows:



**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-201(b)(3), is amended by deleting subdivision (E) in its entirety and by substituting instead the following language:

(E)(i) If a license is requested by an applicant who does not hold an existing license as a restaurant, it shall be a rebuttable presumption that the amount of gross sales from prepared food will be at least fifteen percent (15%) but not more than twenty percent (20%). An applicant may rebut the presumption by including with the applicant a business plan which indicates the gross sales from prepared food will be higher than twenty percent (20%). The commission shall advise each applicant of the applicant's right to include with the application a business plan which includes a projection of the amount of gross sales of prepared food and in such case, the commission shall assess the appropriate license fee based on such projection.

(ii) Any establishment applying for a renewal of its license as a limited service restaurant shall submit a sworn statement indicating the percentage of gross revenue for the previous year derived from food sales and the gross revenue derived from sales of alcoholic beverages. If the statement indicates the gross sales from prepared food was higher than the initial projection or higher than the amount actually sold in the previous year, requiring the payment of a lower licensure fee, the commission shall refund the difference to the licensee within thirty (30) days of the date the statement is filed with the commission. If the statement indicates the gross sales from prepared food was less than the projection or than the amount actually sold in the previous year, requiring the payment of a higher licensure fee, the commission shall require the licensee to pay to the commission the difference between the licensure fee actually paid at the time the renewal fee is paid.

SECTION 2. Tennessee Code Annotated, Section 57-3-404(h)(2), is amended by designating the existing language as subdivision (A) and by adding the following language as new, appropriately designated subdivisions:

(B)(i) The tastings may be held at the option of the retail licensee during the hours the retail licensee is open for business, without filing any notice other than as provided in subdivision (ii) with the commission, and no charge or fee may be assessed by the commission for a retail licensee to offer such complimentary samples.

(ii) With its annual renewal, the retail licensee shall notify the commission of its intention to conduct tastings during the year on the premises of the retail licensee. If following the date the license is renewed, the retail licensee makes a determination to offer tastings, the licensee shall notify the commission of its intention to conduct tastings for the remainder of the year.

(C) The size of each sample shall be no greater than approximately two ounces (2 oz.) for each wine or high alcohol content beer sample and no greater than approximately one-half ounce (1/2 oz.) for each liquor sample. It is the responsibility



of the retail licensee to limit the number of tastings per customer and the number of products available for tasting.

(D) Notwithstanding any law or rule to the contrary, a retail licensee or employee of the licensee may participate in tastings.

(E) A server permit is not required for employees conducting tastings if the employee has a permit pursuant to § 57-3-703; provided that every retail licensee which offers tastings is encouraged to ensure that any employee who is involved with the tastings understands that a violation of § 57-3-406(c) and (d) and § 57-3-412 related to retail sales apply equally to those customers who participate in the tastings.

SECTION 3. Tennessee Code Annotated, Section 57-3-204(a), is amended by deleting the language "and not for consumption on the premises" and substituting instead the language "and not for consumption on the premises except for conducting tastings pursuant to § 57-3-404(h)(2)".

SECTION 4. Tennessee Code Annotated, Section 57-3-406, is amended by deleting subsection (b) in its entirety and by substituting instead the following language:

(b) Nothing in this chapter shall prohibit a retailer from offering a discount in such manner as the retailer deems appropriate as long as the discount being offered is not below the cost paid by the retailer to purchase the alcoholic beverages from the wholesaler.

SECTION 5. Tennessee Code Annotated, Section 57-4-203, is amended by adding the following language as a new, appropriately designated subsection:

( ) Nothing in this chapter shall prohibit a licensee from offering a discount in such manner as the licensee deems appropriate as long as the discount being offered is not below the cost paid by the licensee to purchase the alcoholic beverages from the retailer.

SECTION 6. Tennessee Code Annotated, Section 57-1-209, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b) The executive director of the commission shall file an annual report with the state and local government committees of each house no later than March 1st detailing with specificity each rule promulgated during the previous year together with the rationale for promulgating the rule.

SECTION 7. Tennessee Code Annotated, Section 57-1-201, is amended by adding the following language as a new subsection thereto:

(c) Any document a person receives informing the person of having a fine imposed upon such person shall cite each particular rule or statute the person is being charged with violating.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.



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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3358**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 25  
Noes . . . . . 5

Senators voting aye were: Barnes, Berke, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Marrero, Massey, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Beavers, Bell, Burks, Campfield and Herron--5.

A motion to reconsider was tabled.

**Senate Bill No. 3384** -- Sunset Laws -- As introduced, extends the Tennessee board of court reporting, June 30, 2014. Amends TCA Title 4, Chapter 29 and Title 20, Chapter 9, Part 6.

Senator Bell moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 20-9-604, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) All members of the board shall be citizens of the United States and this state. The initial terms shall begin July 1, 2009, and all appointments shall be made by the governor prior to July 1 of each year for which appointments are to be made. The court reporter members may be appointed from lists of qualified persons submitted by interested court reporter groups including, but not limited to, the Tennessee Court Reporters Association. The governor shall consult with such groups before making any appointments to the board.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3384**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 2

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senators voting no were: Burks and Herron--2.



A motion to reconsider was tabled.

**Senate Bill No. 3626** -- Motor Vehicles -- As introduced, exempts motor vehicle dismantlers from obtaining copy of title before purchasing motor vehicle for scrap if the vehicle was manufactured more than 25 years ago. Amends TCA Title 55, Chapter 17, Part 1 and Title 55, Chapter 3, Part 2.

On motion, Senate Bill No. 3626 was made to conform with **House Bill No. 2437**.

On motion, House Bill No. 2437, on same subject, was substituted for Senate Bill No. 3626.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2437** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 3644** -- State Government -- As introduced, authorizes certain departments, boards and other governmental entities to allow holders of licenses, certifications or registrations to be notified by electronic mail of renewals, fee increases and changes in the law. Amends TCA Title 4; Title 37; Title 45; Title 62; Title 63 and Title 71.

Senator Yager moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-76-101, is amended by adding the following as a new subsection:

(d)(1) Each board, commission, agency or other governmental entity created pursuant to this title shall allow each holder of a license, certification or registration from the board, commission, agency or other governmental entity to have the option of being notified by electronic mail of:

(A) Renewals of the holder's license, certification or registration;

(B) Any fee increases;



(C) Any changes in state law that impact the holder and are implemented or enforced by the entity, including newly promulgated or amended statutes, rules, policies and guidelines; and

(D) Any meeting where changes in rules or fees are on the agenda. For purposes of this subdivision (D), the electronic notice shall be at least forty-five (45) days in advance of the meeting, unless it is an emergency meeting then the notice shall be sent as soon as is practicable.

(2) Each board, commission, agency or other governmental entity created pursuant to this title shall notify each holder of a license, certification or registration of the availability of receiving electronic notices pursuant to subdivision (d)(1) upon issuance or renewal of the holder's license, certification or registration.

SECTION 2. Tennessee Code Annotated, Section 63-1-139, is amended by adding the following as a new subsection:

(d)(1) Each board, commission, committee, agency or other governmental entity created pursuant to this title, Title 68, Chapter 24 and Title 68, Chapter 140, Part 3 shall allow each holder of a license, certification or registration from the board, commission, committee, agency or other governmental entity to have the option of being notified by electronic mail of:

(A) Renewals of the holder's license, certification or registration;

(B) Any fee increases;

(C) Any changes in state law that impact the holder and are implemented or enforced by the entity, including newly promulgated or amended statutes, rules, policies and guidelines; and

(D) Any meeting where changes in rules or fees are on the agenda. For purposes of this subdivision (D), the electronic notice shall be at least forty-five (45) days in advance of the meeting, unless it is an emergency meeting then the notice shall be sent as soon as is practicable.

(2) Each board, commission, agency or other governmental entity created pursuant to this title, Title 68, Chapter 24 and Title 68, Chapter 140, Part 3 shall notify each holder of a license, certification or registration of the availability of receiving electronic notices pursuant to subdivision (d)(1) upon issuance or renewal of the holder's license, certification or registration.

SECTION 3. Tennessee Code Annotated, Section 4-3-205, is amended by adding the following as a new subsection:

(d)(1) The department and any board, commission, committee, or other governmental entity created pursuant to this title and Titles 43 and 44 shall allow each holder of a professional or occupational license, certification or



registration from the department, board, commission, committee, or other governmental entity to have the option of being notified by electronic mail of:

(A) Renewals of the holder's license, certification or registration;

(B) Any fee increases;

(C) Any changes in state law that impact the holder and are implemented or enforced by the entity, including newly promulgated or amended statutes, rules, policies and guidelines; and

(D) Any meeting where changes in rules or fees are on the agenda. For purposes of this subdivision (D), the electronic notice shall be at least forty-five (45) days in advance of the meeting, unless it is an emergency meeting then the notice shall be sent as soon as is practicable.

(2) The department and any board, commission, committee or other governmental entity created pursuant to this title and Titles 43 and 44 shall notify each holder of a license, certification or registration of the availability of receiving electronic notices pursuant to subdivision (d)(1) upon issuance or renewal of the holder's license, certification or registration.

SECTION 4. Tennessee Code Annotated, Section 4-3-509, is amended by adding the following as a new subsection:

(d)(1) The department and any division, board, commission, committee, agency, or other governmental entity under the jurisdiction of, or administratively attached to, the department shall allow each holder of a professional or occupational license, certification or registration from the department, division, board, commission, committee, agency or other governmental entity to have the option of being notified by electronic mail of:

(A) Renewals of the holder's license, certification or registration;

(B) Any fee increases;

(C) Any changes in state law that impact the holder and are implemented or enforced by the entity, including newly promulgated or amended statutes, rules, policies and guidelines; and

(D) Any meeting where changes in rules or fees are on the agenda. For purposes of this subdivision (D), the electronic notice shall be at least forty-five (45) days in advance of the meeting, unless it is an emergency meeting then the notice shall be sent as soon as is practicable.

(2) The department and any division, board, commission, committee, agency or other governmental entity under the jurisdiction of, or administratively attached to, the department shall notify each holder of a



license, certification or registration of the availability of receiving electronic notices pursuant to subdivision (d)(1) upon issuance or renewal of the holder's license, certification or registration.

SECTION 5. Tennessee Code Annotated, Section 4-3-1306, is amended by adding the following as a new subsection:

(d)(1) The department and any division, board, commission, committee, agency, or other governmental entity under the jurisdiction of, or administratively attached to, the department shall allow each holder of a professional or occupational license, certification or registration from the department, division, board, commission, committee, agency or other governmental entity to have the option of being notified by electronic mail of:

(A) Renewals of the holder's license, certification or registration;

(B) Any fee increases;

(C) Any changes in state law that impact the holder and are implemented or enforced by the entity, including newly promulgated or amended statutes, rules, policies and guidelines; and

(D) Any meeting where changes in rules or fees are on the agenda. For purposes of this subdivision (D), the electronic notice shall be at least forty-five (45) days in advance of the meeting, unless it is an emergency meeting then the notice shall be sent as soon as is practicable.

(2) The department and any division, board, commission, committee, agency or other governmental entity under the jurisdiction of, or administratively attached to, the department shall notify each holder of a license, certification or registration of the availability of receiving electronic notices pursuant to subdivision (d)(1) upon issuance or renewal of the holder's license, certification or registration.

SECTION 6. Tennessee Code Annotated, Section 4-3-1419, is amended by adding the following as a new subsection:

(d)(1) The department and any division, board, commission, committee, agency, or other governmental entity under the jurisdiction of, or administratively attached to, the department shall allow each holder of a professional or occupational license, certification or registration from the department, division, board, commission, committee, agency or other governmental entity to have the option of being notified by electronic mail of:

(A) Renewals of the holder's license, certification or registration;

(B) Any fee increases;



(C) Any changes in state law that impact the holder and are implemented or enforced by the entity, including newly promulgated or amended statutes, rules, policies and guidelines; and

(D) Any meeting where changes in rules or fees are on the agenda. For purposes of this subdivision (D), the electronic notice shall be at least forty-five (45) days in advance of the meeting, unless it is an emergency meeting then the notice shall be sent as soon as is practicable.

(2) The department and any division, board, commission, committee, agency or other governmental entity under the jurisdiction of, or administratively attached to, the department shall notify each holder of a license, certification or registration of the availability of receiving electronic notices pursuant to subdivision (d)(1) upon issuance or renewal of the holder's license, certification or registration.

SECTION 7. Tennessee Code Annotated, Section 37-5-127, is amended by adding the following as a new subsection:

(d)(1) The department and each board, commission, agency, or other governmental entity created pursuant to this title shall allow each holder of a professional or occupational license, certification or registration from the department, board, commission, agency or other governmental entity to have the option of being notified by electronic mail of:

(A) Renewals of the holder's license, certification or registration;

(B) Any fee increases;

(C) Any changes in state law that impact the holder and are implemented or enforced by the entity, including newly promulgated or amended statutes, rules, policies and guidelines; and

(D) Any meeting where changes in rules or fees are on the agenda. For purposes of this subdivision (D), the electronic notice shall be at least forty-five (45) days in advance of the meeting, unless it is an emergency meeting then the notice shall be sent as soon as is practicable.

(2) The department and each board, commission, agency or other governmental entity created pursuant to this title shall notify each holder of a license, certification or registration of the availability of receiving electronic notices pursuant to subdivision (d)(1) upon issuance or renewal of the holder's license, certification or registration.

SECTION 8. Tennessee Code Annotated, Section 45-1-130, is amended by adding the following as a new subsection:



(d)(1) The department and each board, commission, agency, or other governmental entity created pursuant to this title shall allow each holder of a professional or occupational license, certification or registration from the department, board, commission, agency or other governmental entity to have the option of being notified by electronic mail of:

(A) Renewals of the holder's license, certification or registration;

(B) Any fee increases;

(C) Any changes in state law that impact the holder and are implemented or enforced by the entity, including newly promulgated or amended statutes, rules, policies and guidelines; and

(D) Any meeting where changes in rules or fees are on the agenda. For purposes of this subdivision (D), the electronic notice shall be at least forty-five (45) days in advance of the meeting, unless it is an emergency meeting then the notice shall be sent as soon as is practicable.

(2) The department and each board, commission, agency or other governmental entity created pursuant to this title shall notify each holder of a license, certification or registration of the availability of receiving electronic notices pursuant to subdivision (d)(1) upon issuance or renewal of the holder's license, certification or registration.

SECTION 9. Tennessee Code Annotated, Section 71-1-134, is amended by adding the following as a new subsection:

(d)(1) The department and each board, commission, agency, or other governmental entity created pursuant to this title shall allow each holder of a professional or occupational license, certification or registration from the department, board, commission, agency or other governmental entity to have the option of being notified by electronic mail of:

(A) Renewals of the holder's license, certification or registration;

(B) Any fee increases;

(C) Any changes in state law that impact the holder and are implemented or enforced by the entity, including newly promulgated or amended statutes, rules, policies and guidelines; and

(D) Any meeting where changes in rules or fees are on the agenda. For purposes of this subdivision (D), the electronic notice shall be at least forty-five (45) days in advance of the meeting, unless it is an emergency meeting then the notice shall be sent as soon as is practicable.



(2) The department and each board, commission, agency or other governmental entity created pursuant to this title shall notify each holder of a license, certification or registration of the availability of receiving electronic notices pursuant to subdivision (d)(1) upon issuance or renewal of the holder's license, certification or registration.

SECTION 10. This act shall take effect January 1, 2013, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3644**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Summerville moved that **Senate Bill No. 2302** be placed on the Calendar for Thursday, March 29, 2012, which motion prevailed.

**Senate Bill No. 2416** -- Hospitals and Healthcare Facilities -- As introduced, requires the board for licensing healthcare facilities to establish a protocol by rule for hospitals, community health centers and clinics to report drug overdoses by January 1, 2013. Amends TCA Title 63 and Title 68.

Senator Crowe moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

Senator Crowe moved that Amendment No. 2 be placed behind Amendment No. 1, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-1-108, is amended by adding the following as a new subsection:

(f) On or before March 1 of each year, the Department of Health shall submit to the governor, the Speaker of the Senate, the Speaker of the House of Representatives, the Senate Health and Welfare Committee, and the House of Representatives Health and Human Resources Committee a report with de-identified aggregate claims data on every inpatient and outpatient discharge that includes



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coded drug poisonings as reported for the calendar year two (2) years prior to the current year by licensed hospitals to the Commissioner of Health pursuant to this chapter. The department shall also publish the data submitted under this subsection on the department's internet Web site.

SECTION 2. Tennessee Code Annotated, Section 68-3-502(d), is amended by adding the following language at the end of the subsection:

On or before January 1, 2013, the Commissioner of Health shall establish by rule a protocol for use by medical examiners in cases involving death resulting from opiate, illegal or illicit drug overdose, that requires an appropriate report under § 38-7-108. The commissioner is authorized to promulgate such rules in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 3. This act shall be known and may be cited as "The Henry Granju Act".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

On motion of Senator Crowe, Amendment No. 2 was withdrawn.

Thereupon, **Senate Bill No. 2416**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2714** -- Consumer Protection -- As introduced, requires certain roofing contractors and agents to make certain disclosures to solicited persons where an insurance claim has been made or is anticipated for the provision of roofing goods or services. Amends TCA Title 47; Title 56 and Title 62.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:



SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Failing to comply with Title 62, Chapter 6, Part 6;

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 6, is amended by adding the following language as a new, appropriately designated part:

62-6-601. As used in this part, unless the context otherwise requires:

(1) "Agent" means any officer, director, owner, employee, contractor or any other person authorized to act on behalf of a residential roofing services provider;

(2) "Contract" means a contract between a person and a residential roofing services provider for the provision of goods or services related to the repair or replacement of a roof system in this state the costs of which are to be paid, or are anticipated to be paid, from the proceeds of a property and casualty insurance policy;

(3) "Emergency repairs" means goods or services provided for the purpose of making urgent and necessary repairs to the roof system of residential real estate if, without such repairs, damage to the residential real estate would occur;

(4) "Person" means an individual or entity;

(5) "Residential real estate" means a new or existing building constructed for habitation by one (1) to four (4) families, and includes the building's garage, even if the garage is detached from such building;

(6) "Residential roofing services provider":

(A) Means a person in the business of contracting or offering to contract with owners of residential real estate to repair or replace roof systems, or the agent of such person; and

(B) Does not mean a person engaged in the demolition of a structure or cleanup of construction waste and debris that contains roofing material; and

(7) "Roof system" means a roof covering, roof sheathing, roof weatherproofing, roof framing, roof ventilation system, or insulation for residential real estate.

62-6-602.

(a) If a person enters into a contract and the person has received written notice from the person's insurer that all or any part of the claim or contract is not a covered loss under an insurance policy, then the person may cancel the contract as provided in subsection (b).



(b) To cancel a contract, a person shall:

(1) Provide a written notice of cancellation to the residential roofing services provider prior to midnight on the third business day after receipt of a written notice of no or partial coverage from the insurer; and

(2) Mail or deliver the written notice of cancellation to the residential roofing services provider at the business address, facsimile number, or electronic mail address provided by the residential roofing services provider pursuant to § 62-6-603.

(c) A written notice of cancellation:

(1) Need not contain particular language provided that it is signed and dated by the person and indicates, by any form of written expression, the intent of the person not to be bound by the contract; and

(2) Shall be effective upon receipt by the residential roofing services provider. However, if the person:

(A) Mails the written notice of cancellation, postage prepaid and properly addressed to the residential roofing services provider, then the cancellation is effective upon the date of the postmark; or

(B) Delivers the written notice through facsimile transmission properly addressed to the facsimile number or electronic mail address of the residential roofing services provider, then the cancellation is effective upon the time the person transmits the facsimile.

62-6-603.

Prior to entering into a contract, a residential roofing services provider shall, in writing, furnish a person with:

(1) The residential roofing services provider's:

(A) Business mailing address for cancellation purposes;

(B) Telephone number;

(C) License or registration number of any contractor, home improvement contractor, or public adjuster license or registration held in this or any other state; and

(D) Electronic mail address or facsimile number for cancellation purposes, if available;

(2) A detailed description of all damage or repairs to be claimed or covered by the contract and the location of such damage;



(3) A written statement in boldface type of a minimum size of ten (10) points, containing language substantially similar to the following:

**You may cancel this contract at any time before midnight on the third business day after you have received written notification from your insurer that all or any part of the claim or contract is not a covered loss under your insurance policy. This right to cancel is in addition to any other rights of cancellation which may be found in state or federal law or regulation. See the attached notice of cancellation form for an explanation of this right.**

; and

(4) A form in duplicate, captioned "NOTICE OF CANCELLATION", attached in an easily detachable manner to the contract, that contains in boldface type of a minimum size of ten (10) points the following statement or language substantially similar:

**NOTICE OF CANCELLATION**

**If you are notified by your insurer that all or any part of the claim or contract is not a covered loss under your insurance policy, you may cancel the contract by mailing or delivering a signed and dated copy of this cancellation notice or any other signed and dated written notice to \_\_\_\_\_ (name of residential roofing services provider) at \_\_\_\_\_ (business mailing address) or \_\_\_\_\_ (if available, facsimile number or electronic mail address of residential roofing services provider) at any time prior to midnight on the third business day after you have received such notice from your insurer. If you cancel, any payments made by you under the contract, except those for emergency repairs already performed by the residential roofing services provider, will be returned to you within ten (10) business days following receipt by the residential roofing services provider of your cancellation notice.**

**I HEREBY CANCEL THIS TRANSACTION.**

\_\_\_\_\_ (date)

\_\_\_\_\_ (person's signature).

62-6-604.

(a) No residential roofing services provider shall require any payments from a person pursuant to a contract until the person has received written notice from the insurer that the contract or claim is fully covered or the three-day cancellation period required pursuant to this part has expired.

(b) Within ten (10) business days after a person cancels a contract in accordance with this part, the residential roofing services provider shall tender to the:



(1) Payor any payments, partial payments, or deposits made to the residential roofing services provider except those made pursuant to subsection (c); and

(2) Person any note or other evidence of the person's indebtedness to the residential roofing services provider except indebtedness incurred pursuant to subsection (c).

(c)(1) Notwithstanding subsection (a), if the residential roofing services provider has made any emergency repairs, acknowledged by the contracting person in writing to be necessary to prevent damage to the residential real estate, then the residential roofing services provider shall be entitled to collect the amount due from the person for the emergency repairs at the time the repairs are rendered. Any provision in a contract that requires the payment of any fee for any good or service except those provided in relation to emergency repairs shall not be enforceable against any person who has canceled a contract in accordance with this part.

(2) No residential roofing services provider shall misrepresent that emergency repairs are necessary to prevent damage to the residential real estate owned or possessed by such person.

62-6-605.

No residential roofing services provider shall represent or negotiate on behalf of, or offer or advertise an offer to represent or negotiate on behalf of, an owner or possessor of residential real estate on any insurance claim in connection with the repair or replacement of a roof system on the residential real estate unless the residential roofing services provider holds a valid public adjuster license issued in accordance with Title 56, Chapter 6, Part 9.

62-6-606.

A violation of this part is an unfair or deceptive act or practice affecting the conduct of trade or commerce under the Tennessee Consumer Protection Act of 1977, compiled in Title 47, Chapter 18, Part 1; and, as such, the private right of action remedy under the Tennessee Consumer Protection Act of 1977 shall be available to any person who suffers an ascertainable loss of money or property, real, personal or mixed, or any other article, commodity or thing of value wherever situated as a result of the violation.

SECTION 3. This act shall become effective July 1, 2012, the public welfare requiring it, and shall apply to contracts entered into on or after such date.

On motion, Amendment No. 1 was adopted.

Senator Ketron moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting § 62-6-601(2) in Section 2 and by substituting instead the following:



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(2) "Contract" means a contract in this state between a person and a residential roofing services provider for the provision of goods or services related to the repair or replacement of a roof system the costs of which the residential roofing services provider represents are to be paid, or are likely to be paid, in whole or in part, from the proceeds of a property and casualty insurance policy;

AND FURTHER AMEND by deleting § 62-6-602(c)(2)(B) in Section 2 in its entirety and by substituting instead the following:

(B) Delivers the written notice through electronic transmission properly addressed to the facsimile number or electronic mail address of the residential roofing services provider, then the cancellation is effective upon the time the person transmits the notice.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2714**, as amended, passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	2
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senators voting no were: Finney and Herron--2.

Senator present and not voting was: Stewart--1.

A motion to reconsider was tabled.

**Senate Bill No. 2788** -- Public Officials -- As introduced, provides that a public official receives an unauthorized benefit for purposes of the criminal offense of official misconduct if the official purchases real property knowing that the property may later be purchased by a governmental entity. Amends TCA Section 39-16-402, as amended.

Senator Kelsey moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting the amendatory language in Section 1 of the bill and substituting instead the following:

(c)(1) For purposes of subdivision (a)(5), the ways in which a public servant receives a benefit not otherwise authorized by law include, but are not limited to, a public servant who purchases real property or otherwise obtains an option to purchase real property with intent to make a profit if the public servant knows that such real property may be purchased by a governmental entity and such information is not public knowledge.



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(2) Ouster provisions shall be instituted upon a conviction under subsection (a) in which the conduct described in subsection (c) is the basis of the violation. In addition any person convicted of such offense shall forever afterwards be disqualified from holding any office under the laws or constitution of this state.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 2788**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2807** -- Highways, Roads and Bridges -- As introduced, revises structure and operation of certain county highway departments. Amends TCA Title 54, Chapter 7.

On motion, Senate Bill No. 2807 was made to conform with **House Bill No. 3007**.

On motion, House Bill No. 3007, on same subject, was substituted for Senate Bill No. 2807.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3007** passed its third and final consideration by the following vote:

Ayes . . . . . 27  
Noes . . . . . 2

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Johnson, Ketron, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--27.

Senators voting no were: Campfield and Herron--2.

A motion to reconsider was tabled.

Senator Burks moved that **Senate Bill No. 2978** be placed on the Calendar for Monday, April 2, 2012, which motion prevailed.

**Senate Bill No. 3640** -- Education -- As introduced, regulates student conduct on school buses; permits school personnel, including school bus drivers, to use reasonable force, subject to certain restrictions, in maintaining discipline. Amends TCA Title 37; Title 39 and Title 49.

On motion, Senate Bill No. 3640 was made to conform with **House Bill No. 2789**.



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On motion, House Bill No. 2789, on same subject, was substituted for Senate Bill No. 3640.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2789** passed its third and final consideration by the following vote:

Ayes .....	24
Noes .....	7

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Johnson, Ketron, Massey, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Berke, Finney, Ford, Herron, Kelsey, Marrero and Stewart--7.

A motion to reconsider was tabled.

**Senate Bill No. 3749** -- Education, Higher -- As introduced, requires a governing board of a public institution of higher education to report annually to the House and Senate Education Committees the attendance of its board members and if applicable, the reason for absence. Amends TCA Title 49, Chapter 7, Part 1.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

49-7-1\_\_.

(a) Notwithstanding any provision of law to the contrary, the board of trustees of the University of Tennessee and the board of regents of state university and community college system shall not be subject to the requirement of § 8-44-108(b)(1) that a physical quorum be present at the location specified in the notice of the meeting as the location of the meeting in order to allow participation by electronic or other means of communication for the benefit of the public and the governing body in connection with any meeting authorized by law.

(b) Notwithstanding any provision of law to the contrary, board of trustees of the University of Tennessee and the board of regents of the state university and community college system shall not be subject to the requirements of § 8-44-108(b)(2) or § 8-44-108(b)(3).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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On motion, Amendment No. 2 was adopted.

On motion of Senator Tracy, Amendment No. 3 was withdrawn.

Thereupon, **Senate Bill No. 3749**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Joint Resolution No. 674** be placed on the Calendar for Monday, April 2, 2012, which motion prevailed.

**MESSAGE CALENDAR**

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 2221** -- Medical Occupations -- As introduced, revises various provisions governing emergency medical services; requires licensure instead of certification. Amends TCA Title 68, Chapter 140, Part 3 and Title 68, Chapter 140, Part 4.

**HOUSE AMENDMENT NO. 2**

AMEND by deleting the directory language of Section 3 and substituting instead the following language:

SECTION 3. Tennessee Code Annotated, Section 68-140-302, is amended by adding a new subdivision ( ) as follows and renumbering subsequent subdivisions accordingly:

AND FURTHER AMEND by deleting the word "subsections" in the directory language of Sections 4 and 12 and by substituting instead the language "subdivisions".

AND FURTHER AMEND by deleting Section 20 of the printed bill in its entirety and by substituting instead the following:

SECTION 20. Tennessee Code Annotated, Section 68-140-312(a), is amended by deleting the term "EMTs or paramedics" and replacing it with "emergency medical services personnel".

AND FURTHER AMEND by deleting the language "EMT's" in Section 21 of the printed bill and by substituting instead the language "EMTs".

Senator Crowe moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2221**, which motion prevailed by the following vote:



Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 3024** -- Education, Higher -- As introduced, declares that teacher effect data made available to teacher preparation programs shall not be public records and shall be used only in evaluating the preparation programs. Amends TCA Section 49-1-606.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-606(b), is amended by deleting the last sentence of the section and substituting instead the following language:

The estimates made available to the preparation programs shall not be a public record and shall be used only in evaluation of the respective teacher preparation programs. Each institution or postsecondary system receiving the estimates shall develop a policy to protect the confidentiality of the data.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Gresham moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3024**, which motion prevailed by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Johnson moved that **Senate Bill No. 3071** be placed at the heel of the Message Calendar for today, which motion prevailed.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 3260** -- Highway Signs -- As introduced, designates portion of U.S. Highway 61 in Memphis as "The Blues Trail".



HOUSE AMENDMENT NO. 1

AMEND by deleting in its entirety Section 1 of the introduced bill and by substituting instead the following:

SECTION 1. Notwithstanding any provision of law to the contrary, the segment of State Route 14 beginning at the Tennessee-Mississippi border north on Third Street to Jackson Avenue is hereby designated "The Blues Trail" as a lasting tribute to one aspect of Tennessee's extensive musical and cultural heritage.

AND FURTHER AMEND by deleting Section 7 of the introduced bill in its entirety and by redesignating the subsequent section accordingly.

Senator Ford moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3260**, which motion prevailed by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 3071** -- Special License Plates -- As introduced, authorizes issuance of Autism Awareness new specialty earmarked license plates; allocates 50 percent of funds produced from sale thereof to three autism support organizations. Amends TCA Title 55, Chapter 4.

HOUSE AMENDMENT NO. 1

AMEND by deleting the first sentence in amendatory § 55-4-2\_\_(c) of Section 2 of the printed bill and by substituting instead the following:

In accordance with § 55-4-215, funds produced from the sale of the Autism Awareness new specialty earmarked license plates shall be allocated to ASMT, Inc. for distribution to ASMT, Inc., Autism Society of East Tennessee, and the Autism Society of the MidSouth as nonprofit organizations dedicated to informational and referral services in their respective grand divisions and exempted from the payment of federal income taxes under 26 U.S.C. § 501(c)(3) of the Internal Revenue Code.

Senator Johnson moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3071**, which motion prevailed by the following vote:

Ayes . . . . .	32
Noes . . . . .	0



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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**MOTION**

Senator Norris moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 817**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 817** -- Naming and Designating -- "InfantSEE Week", April 1-7, 2012.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 817** was concurred in.

A motion to reconsider was tabled.

**MOTION**

Senator Gresham moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 2254, 2488, 2949 and 2966**; and **House Joint Resolutions Nos. 520 and 602** on the calendar for the Committee on Education for Wednesday, March 28, 2012, which motion prevailed.

**MOTION**

Senator Yager moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 948 and 1038**; and **House Joint Resolution No. 577** on the calendar for the Committee on State and Local Government for Tuesday, March 27, 2012, which motion prevailed.

**MOTION**

Senator Beavers moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 693** on the calendar for the Committee on Judiciary for Tuesday, March 27, 2012, which motion failed by the following vote:

Ayes . . . . .	19
Noes . . . . .	10
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.



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Senators voting no were: Berke, Burks, Finney, Harper, Haynes, Henry, Herron, Marrero, Stewart and Tate--10.

Senator present and not voting was: Ford--1.

**RECALL OF BILL**

On motion of Senator Bell, **Senate Bill No. 2253** was recalled from the Committee on Government Operations.

**REFERRAL OF BILL**

Senator Bell moved that Senate Bill No. 2253 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

**MOTION**

Senator Johnson moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3326** on the calendar for the Committee on Commerce, Labor and Agriculture for Tuesday, March 27, 2012, which motion prevailed by the following vote:

Ayes . . . . .	22
Noes . . . . .	7

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Gresham, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Finney, Ford, Haynes, Herron, Marrero, Stewart and Tate--7.

**MOTION**

Senator Johnson moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3020** on the calendar for the Committee on Commerce, Labor and Agriculture for Tuesday, March 27, 2012, which motion prevailed by the following vote:

Ayes . . . . .	19
Noes . . . . .	9
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Berke, Burks, Finney, Ford, Harper, Haynes, Herron, Marrero and Tate--9.

Senator present and not voting was: Henry--1.



**RECALL OF BILL**

On motion of Mr. Speaker Ramsey, **Senate Bill No. 948** was recalled from the Committee on Energy and Environment.

**REFERRAL OF BILL**

Mr. Speaker Ramsey moved that Senate Bill No. 948 be referred to the Committee on State and Local Government, which motion prevailed.

**MOTION**

On motion of Senator Herron, his name was added as sponsor of **Senate Bill No. 668; and House Joint Resolutions Nos. 775 and 795.**

On motion of Senator Johnson, his name was added as prime sponsor of **Senate Bill No. 948.**

On motion of Senator Southerland, his name was removed as sponsor of **Senate Bill No. 948.**

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 2252.**

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2416, 2429, 2679, 2714, 2786 and 2879.**

On motion of Senators Crowe and Yager, their names were added as sponsors of **Senate Bill No. 2641.**

On motion of Senator Barnes, his name was added as sponsor of **Senate Bill No. 2788.**

On motion of Senator Overbey, his name was added as sponsor of **Senate Bills Nos. 2852 and 2961; and House Joint Resolution No. 557.**

On motion of Senators Burks, Ford and Marrero, their names were added as sponsors of **Senate Bill No. 2970.**

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 3044, 3060, 3071 and 3626; Senate Joint Resolution No. 674; and House Joint Resolution No. 563.**

On motion of Senators Barnes and Yager, their names were added as sponsors of **Senate Bill No. 3640.**

On motion of Senators Harper and Henry, their names were added as sponsors of **Senate Joint Resolution No. 699.**

On motion of Senator Marrero, her name was added as sponsor of **House Joint Resolutions Nos. 679 and 817.**



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On motion of Senators Massey, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 767**.

On motion of Senators Ketron, Stewart and Tracy, their names were added as sponsors of **House Joint Resolution No. 768**.

On motion of Senators Ford and Marrero, their names were added as sponsors of **House Joint Resolution No. 769**.

On motion of Senators Beavers, Tracy and Yager, their names were added as sponsors of **House Joint Resolution No. 771**.

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 772**.

On motion of Senators Finney and Herron, their names were added as sponsors of **House Joint Resolution No. 774**.

On motion of Senator Stewart, his name was added as sponsor of **House Joint Resolution No. 776**.

On motion of Senators Barnes, Henry and Herron, their names were added as sponsors of **House Joint Resolution No. 777**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 778, 779, 780, 781, 782, 792, 793 and 794**.

On motion of Senators Crowe, Faulk and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 784**.

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolution No. 786**.

On motion of Senators Bell and McNally, their names were added as sponsors of **House Joint Resolution No. 787**.

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolutions Nos. 788 and 789**.

On motion of Senators Burks, Ford, Herron and Roberts, their names were added as sponsors of **House Joint Resolution No. 796**.

On motion of Senators Beavers and Roberts, their names were added as sponsors of **House Joint Resolution No. 806**.



**MONDAY, MARCH 26, 2012 -- 64TH LEGISLATIVE DAY**

**ENGROSSED BILLS**

March 26, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 668, 1252, 1429, 2267, 2416, 2625, 2714, 2727, 2788, 2844, 2852, 2879, 2961, 2970, 2982, 3044, 3061, 3217, 3358, 3384 and 3644; and Senate Joint Resolutions Nos. 644, 690, 697, 698 and 699; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**ENGROSSED BILLS**

March 26, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2822 and 3749, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2644, 2669, 3338, 3481, 3548, 3550, 3706, 3852, 3853 and 3856; passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 620, 734, 811, 812, 813, 814, 815, 819, 820, 821 and 822; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 825, adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.



**MONDAY, MARCH 26, 2012 -- 64TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

March 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2250, 2252, 2305, 2310 and 2353; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2309, 2311, 2822 and 3749; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2337, 2396, 2648, 3007 and 3386; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 3011, 3388, 3389 and 3390; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 672, 673, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 691, 692, 694 and 695; concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

March 27, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2221, 2250, 2252, 2305, 2309, 2310, 2311, 2337, 2353, 2396, 2648, 2822, 3007, 3011, 3024, 3071, 3260, 3386, 3388, 3389, 3390 and 3749; and Senate Joint



**MONDAY, MARCH 26, 2012 -- 64TH LEGISLATIVE DAY**

Resolutions Nos. 672, 673, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 691, 692, 694 and 695; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 59, 1000, 2371, 2428, 2768, 2800, 2851, 2947 and 3632; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 563, 767, 768, 769, 771, 772, 774, 775, 776, 777, 778, 779, 780, 781, 782, 784, 786, 787, 788, 789, 792, 793, 794, 795, 796, 806 and 817; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

March 26, 2012

The Speaker announced that he had signed the following: House Bill No. 3834.

**SIGNED**

March 27, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 1945, 2248, 2306, 2307, 2308, 2403, 2931, 3010, 3116, 3411 and 3552; and House Bills Nos. 59, 1000, 2229, 2337, 2371, 2406, 2428, 2768, 2800, 2827, 2848, 2850, 2851, 2858, 2947, 3067, 3632 and 3849.

**SIGNED**

March 27, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 672, 673, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 691, 692, 694 and 695.

**SIGNED**

March 27, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 563, 767, 768, 769, 771, 772, 774, 775, 776, 777, 778, 779, 780, 781, 782, 784, 786, 787, 788, 789, 792, 793, 794, 795, 796, 806 and 817.



**MONDAY, MARCH 26, 2012 -- 64TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

March 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1945, 2248, 2306, 2307, 2308, 2403, 2931, 3010, 3116, 3411 and 3552; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 672, 673, 675, 676, 677, 678, 679, 680 681, 682, 683, 684, 685, 686, 687, 688, 691, 692, 694 and 695; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**REPORT OF DEPUTY CHIEF CLERK**

March 26, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 666, 667, 669 and 670; for his action.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

March 27, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 353, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 669 and 670; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 29, 2012: Senate Joint Resolutions Nos. 702, 704, 705, 706, 707 and 708; Senate Resolution No. 91; and House Joint Resolutions Nos. 798, 799, 800, 801, 802 and 809.

This the 27th day of March, 2012.  
MIKE FAULK, Chairperson.



**MONDAY, MARCH 26, 2012 -- 64TH LEGISLATIVE DAY**

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 29, 2012: Senate Bills Nos. 2195, 2278, 2485, 2509, 2732, 2733, 2812, 3032, 3241, 3251 and 3598; and Senate Joint Resolution No. 629.

This the 27th day of March, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
LOCAL BILL  
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Thursday, March 29, 2012: Senate Bills Nos. 3764, 3765, 3767, 3772, 3780, 3781 and 3784.

This the 27th day of March, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 29, 2012: Senate Bills Nos. 422, 1447, 2224, 2565, 2609, 2671, 2796, 2816, 3003, 3145, 3187, 3266, 3269, 3283, 3341, 3453, 3535 and 3545; Senate Joint Resolutions Nos. 78 and 689; Senate Bills Nos. 2302, 3178 and 3392; and Senate Joint Resolution No. 674.

This the 27th day of March, 2012.  
MIKE FAULK, Chairperson.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, March 29, 2012, which motion prevailed.